

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:) Group Art Unit: 2901
)
ANTHONY MAGLICA) Examiner: M. Tung
)
Serial No. 07/411,576)
)
Filed: September 22, 1989)
)
For: MINIATURE FLASHLIGHT)

RECEIVED

SEP 5 1996

GROUP 2900

SUBSTITUTE DECLARATION OF GERALD R. PARKER

Honorable Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Gerald R. Parker, hereby declare and state as follows:

1. I am a draftsman employed by the law firm of Lyon & Lyon LLP of Los Angeles, California. I have been a draftsman for 36 years.
2. Attached hereto as Exhibit A are true and correct copies of Figures 1 through 4 which, I understand from a review of the file for the above-identified application, were submitted to the Patent and Trademark Office with the Response Pursuant to 37 C.F.R. 1.196(b)(1) mailed on August 23, 1993. Also from a review of this file, I understand and believe these figures were also identified in and attached (as Exhibit C therein) to the Declaration of Fred R. McAlister executed and submitted to the Patent and Trademark Office on August 23, 1993.

3. Attached hereto as Exhibit B are true and correct copies of Figures 1 through 4 showing the proposed changes to the figures of Exhibit A that I subsequently prepared at Lyon & Lyon in connection with the above-identified patent application. I understand and believe that these figures were submitted to the Patent and Trademark Office on February 23, 1996 with the Amendment After Final Rejection.

4. The figures showing proposed changes in Exhibit B were created by photocopying the formal drawings of Exhibit A and manually drawing the proposed changes in red on the photocopy which were made in response to the Official Action dated December 5, 1995.

5. When I prepared the figures in Exhibit B, the shape of the flashlight head was not changed from that shown in the August 23, 1993 figures of Exhibit A.

6. Attached hereto as Exhibit C are true and correct copies of Figures 1 through 4 that I subsequently prepared at Lyon & Lyon in connection with the above-identified patent application and which I understand and believe are to be submitted to the Patent and Trademark Office with the Third Amendment After Final Rejection. In preparing these figures, I first scanned the Exhibit B figures with the proposed changes into the computer aided design (CAD) system at Lyon & Lyon using a high resolution computer scanner. Using the CAD system at Lyon & Lyon, I then formalized the proposed changes that I had previously manually drawn and also made a few additional changes to the upper portions of Figures 1 and 2 and to Figures 3 and 4 which were in response to the Advisory Action mailed March 19, 1996. This effort was previously submitted and has been further

modified by reducing the relative diameter of the threaded portion of the barrel as compared with the main portion of the barrel. This was done by taking that proportion from what I understand to be referred to as the first formal drawing submitted in the application (Exhibit D) and duplicating that relative diameter to satisfy the Examiner's request.

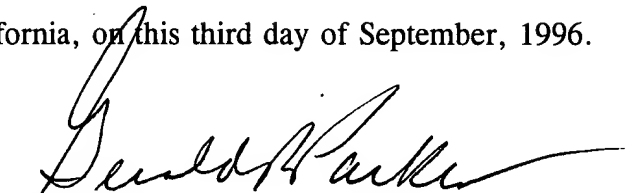
7. The shape of the flashlight head shown in the present figures of Exhibit C is identical to the shape of the head shown in the February 23, 1996 figures in Exhibit B as well as the head shown in the August 23, 1993 figures in Exhibit A. This results from the fact that the Exhibit B drawings were created by manually drawing the proposed changes on a true and exact copy of the Exhibit A drawings without altering the shape of the head and the Exhibit C drawings were in turn created by scanning the Exhibit B drawings into the Lyon & Lyon CAD system. After being scanned into the Lyon & Lyon CAD system, the shape of the flashlight head in the Exhibit B drawings was not altered when the Exhibit C figures were prepared.

8. I have also examined and compared the shape of the flashlight heads shown in the August 23, 1993 Exhibit A drawings, the February 23, 1996 Exhibit B drawings and the present Exhibit C drawings and the shape of the head is identical.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. I also declare further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under 18 U.S.C. § 1001

and that willful false statements may jeopardize the validity the patent application or any patents issuing thereon.

Executed at Los Angeles, California, on this third day of September, 1996.



Gerald R. Parker

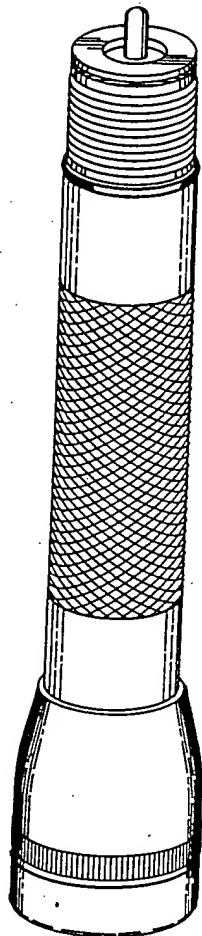


FIG. 1.



FIG. 2.

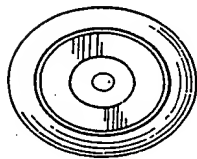


FIG. 3.

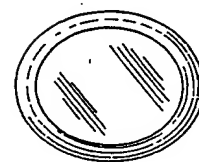


FIG. 4.

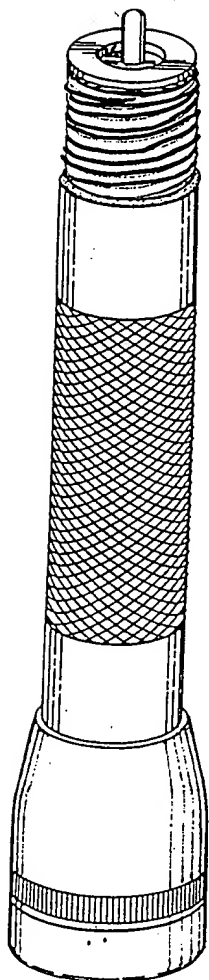


FIG. 1.

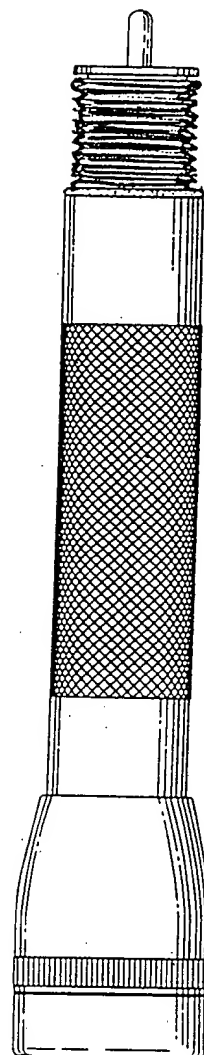


FIG. 2.

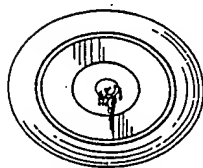


FIG. 3.

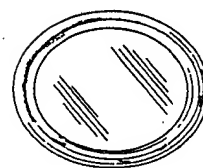


FIG. 4.

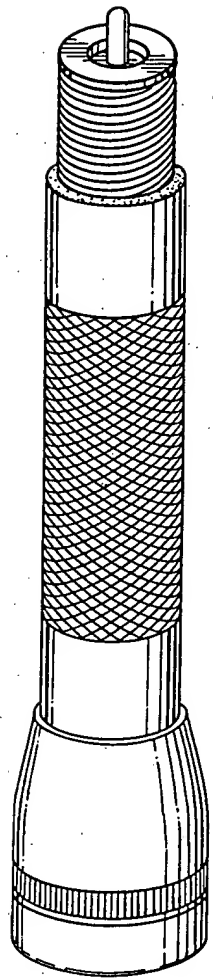


Fig. 1

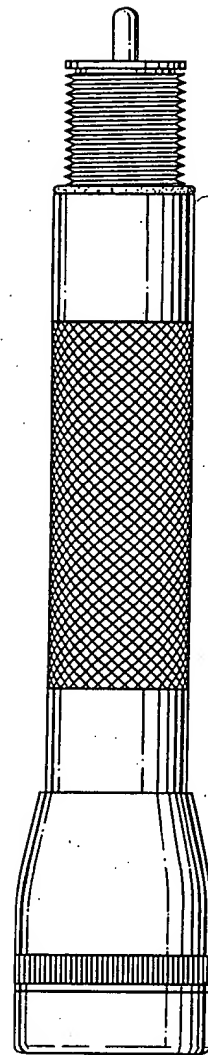


Fig. 2

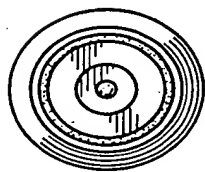


Fig. 3

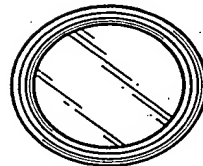


Fig. 4

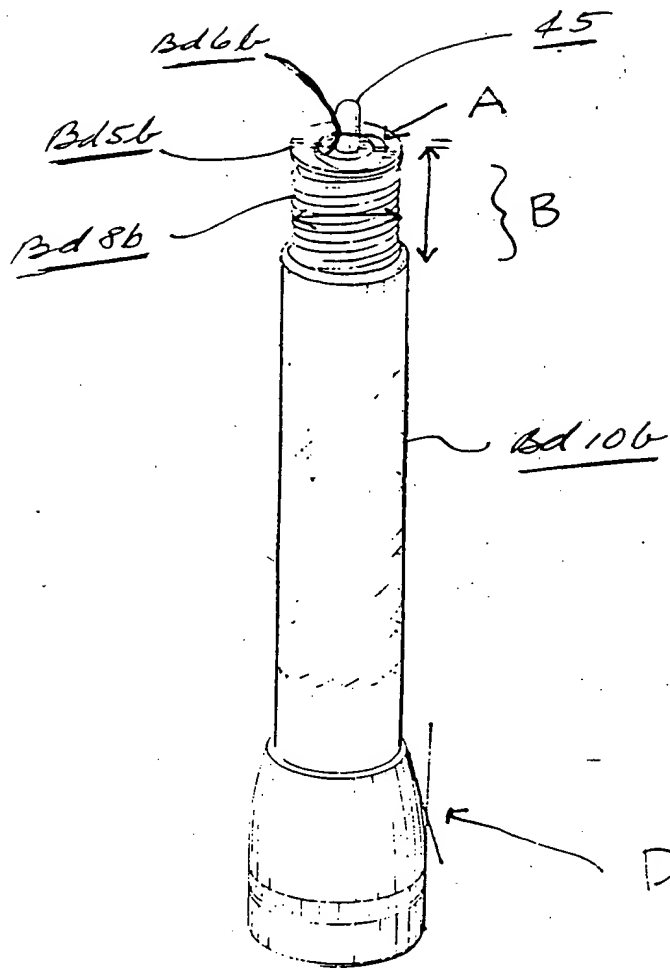


FIG. 1.

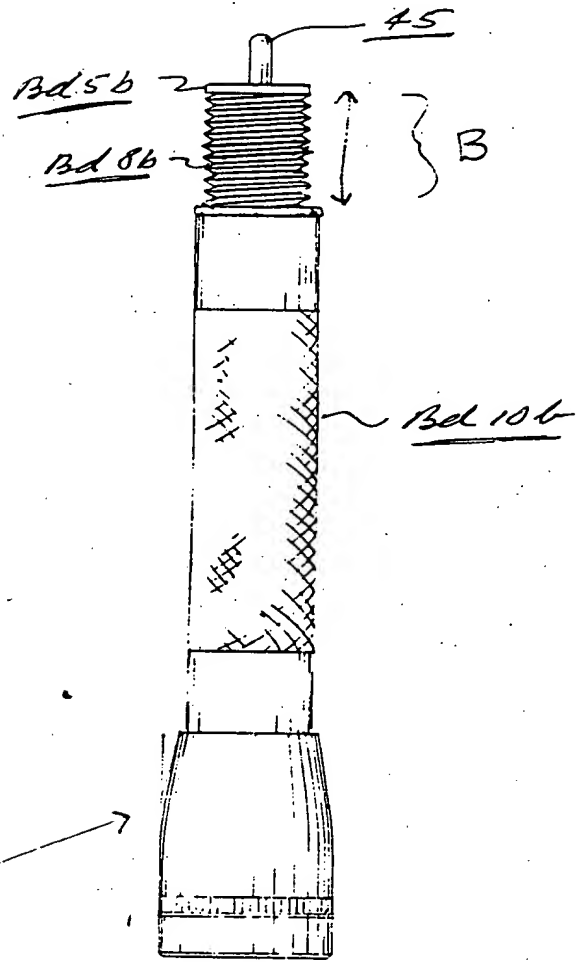


FIG. 2.

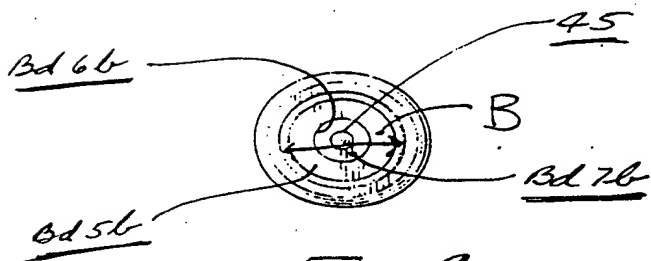


FIG. 3.

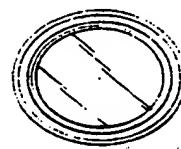


FIG. 4.

Exhibit D

copy of original format